

CPS-251

May 26, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **05-1676**

CHARLES POU

v.

EDWARD KLEM, Superintendent, et al.

(W.D. Pa. Civ. No. 04-cv-00087)

Present: ALITO, MCKEE AND AMBRO, CIRCUIT JUDGES

Submitted is appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/SR

ORDER

The foregoing request for a certificate of appealability is denied because, as the Magistrate Judge explained, the appellant's petition was not timely filed. See United States v. Bendolph, __ F.3d __, 2005 WL 1134860 (3d Cir. 2005).

By the Court,

/s/ Theodore A. McKee
Circuit Judge

Dated: August 2, 2005
CRG/cc: Mr. Charles Pou
Raquel L. Cross, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk